



US Army Corps
of Engineers.

Nashville District

Public Notice

Public Notice No. 05-81

Date: October 3, 2005

Application No. 200502086

Please address all comments to:

Nashville District Corps of Engineers, Regulatory Branch (Attn: Richard Graham)
3701 Bell Road, Nashville, TN 37214

SUBJECT: Proposed Wetland Fill Adjacent to Mile 1.8, Left Bank, Buntin Branch,
Opposite Red River Mile 88.6, Right Bank, Sumner County, Tennessee

TO ALL CONCERNED: The project described below has been submitted for a Department of the Army (DA) Permit pursuant to **Section 404 of the Clean Water Act (CWA)**. Before a permit can be issued, certification must be provided by the state of Tennessee, Division of Water Pollution Control, pursuant to Section 401(a)(1) of the CWA, that applicable water quality standards will not be violated. The applicant will apply for the State certification by separate application.

APPLICANT: Bratton and Associates
Attn: Luther Bratton
P.O. Box 276
Portland, TN 37148

LOCATION: Jurisdictional wetland adjacent to Mile 1.8L, Buntin Branch, Opposite Red River Mile 88.6R, Sumner County, Tennessee (USGS Quad: Portland, TN; Latitude 36 deg 35 min 18 sec; Longitude 86 deg 33 min 36 sec).

DESCRIPTION: The applicant proposes to fill approximately 1.35 acres of jurisdictional wetlands in the course of constructing Baker's Corner Subdivision. Placement of fill material within the wetlands would encompass portions of twelve lots within the proposed 38-lot complex. The applicant proposes to mitigate for the wetland loss by restoring onsite 3.88 acres of wetlands, resulting in an overall mitigation ratio of 2.8:1. Restoration would require construction of two earthen berms along the manmade drainageway through the center of the wetland. This area would be placed in a conservation easement and planted with species beneficial to wildlife. Other adjacent wetland acreage would be used as green space and maintained through mowing. Also, 310 feet of 8"-diameter sewerline would be constructed through the northwest corner of the wetland. This utility line meets the criteria for authorization under Nationwide Permit (NWP) #12, dated March 18, 2002. The state of Tennessee issued a water quality certification for NWP #12 on July 1, 2005. Plans of the proposed work are attached.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the work, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the work, will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b)(1) of the CWA (40 CFR Part 230). A permit will be granted unless the District Engineer determines it to be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historical properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. An EA will be prepared by this office prior to a final decision concerning issuance or denial of the requested DA Permit.

The National Register of Historic Places has been consulted and no properties listed in or eligible for the National Register are known which would be affected by the proposed work. This review constitutes the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites or properties within the permit area. Copies of this notice are being sent to the office of the State Historic Preservation Officer.

Based on available information, the proposed work will not destroy or endanger any federally listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act. Therefore, we have reached a no effect determination and initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

Other federal, state, and/or local approvals for the proposed work are as follows:

Water quality certification from the state of Tennessee in accordance with Section 401(a)(1) of the Clean Water Act.

CELRN-OP-F 05-081

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for hearings shall state, with particularity, the reasons for holding a hearing. Written statements received in this office on or before **November 3, 2005**, will become a part of the record and will be considered in the determination. Any response to this notice should be directed to the Regulatory Branch, Attn: Richard Graham, address above, telephone (615) 369-7507, Fax (615) 369-7501. The e-mail address is richard.d.graham@lrn02.usace.army.mil.

DEPARTMENT OF CONSERVATION
DIVISION OF GEOLOGY

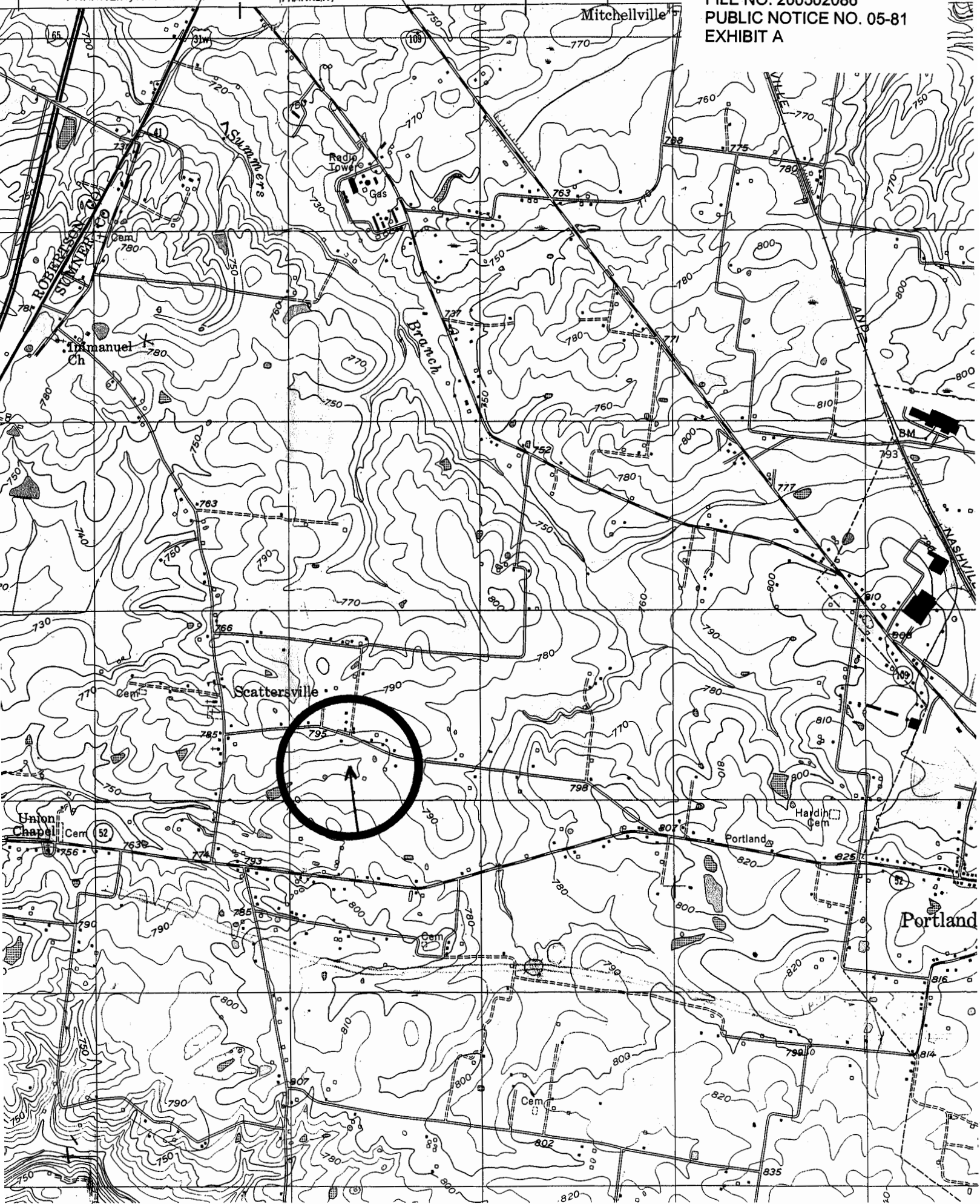
BOWLING GREEN, KY. 28 MI.
FRANKLIN, KY. 7.1 MI.

3657 11 NE
(FRANKLIN)

BLACK JACK (JUNC. U.S. 31W) 0.8 MI.

32°3'

BRATTON AND ASSOCIATES
USGS QUAD: PORTLAND, TN.
FILE NO. 200502086
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EXHIBIT A

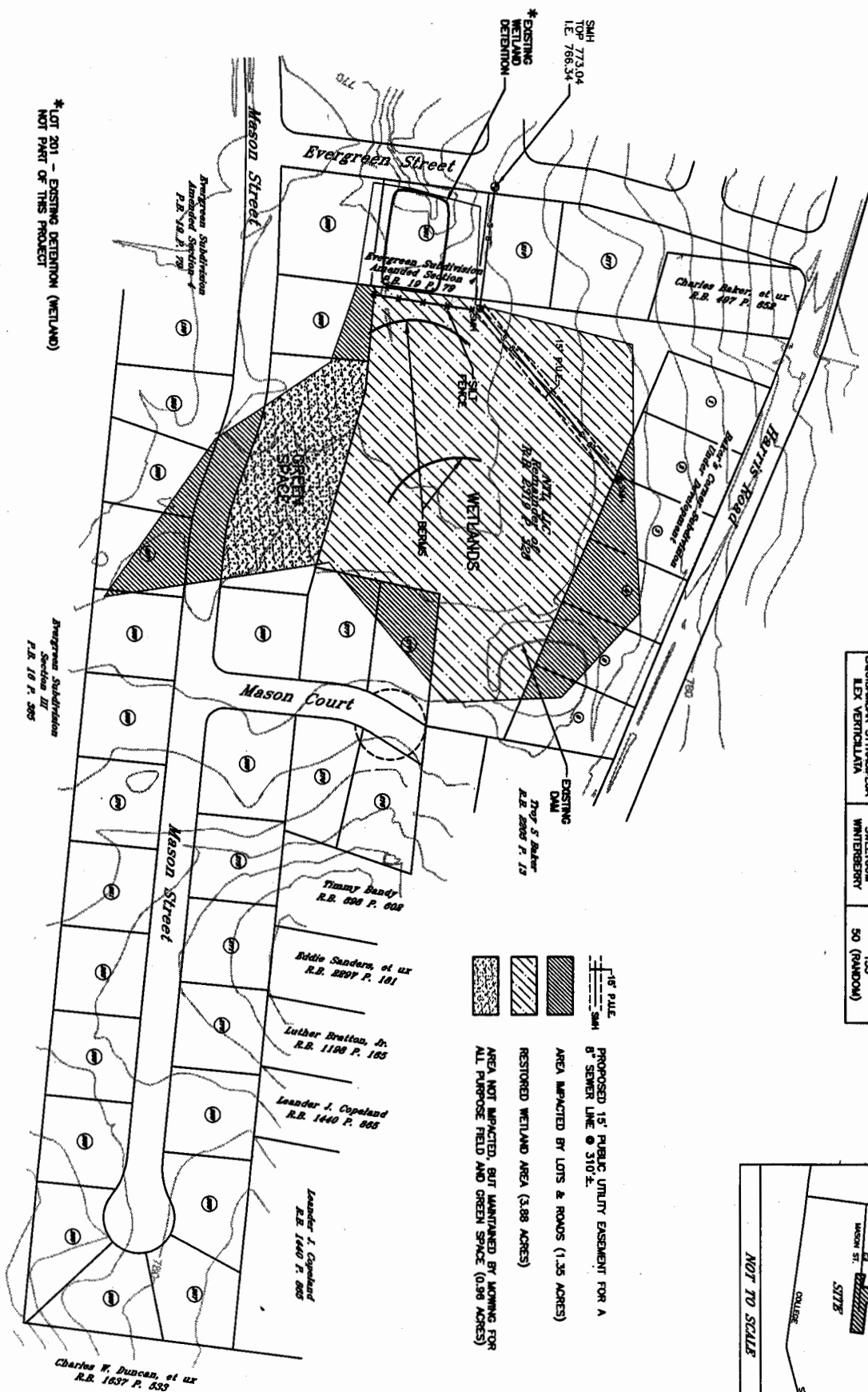
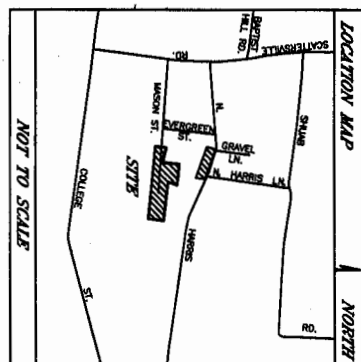




BRATTON AND ASSOCIATES
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EXHIBIT B

TREE AND SHRUB PLANTING:

SCIENTIFIC NAME	COMMON NAME	NUMBER
QUERCUS PHILLOS	WHITE OAK	155 (15' CENTER)
QUERCUS SHUMBER	SHED OAK	155
QUERCUS PALMISTR	PIN OAK	155
ACER RUBRUM	RED MAPLE	155
LIQUIDAMBAR STRYACILIA	SWEETGUM	155
LEX VERTICILLATA	WINTERBERRY	50 (RANDOM)



*LOT 201 - EXISTING DETENTION (WETLAND)
NOT PART OF THIS PROJECT

BASE MAP PROVIDED BY:

Richard D. Graves
Land Surveying
1708 New Highway 52
Westmoreland, TN 37186
Phone: (615) 644-8077
Fax: (615) 644-8000

NOTE:
TWO EARTHEN BERMS TO BE CONSTRUCTED ACROSS DRAINAGE SWALE
THROUGH CENTER OF SITE. BERMS SHALL BE 1.0' HIGHER THAN
SURROUNDING TOPOGRAPHY AND EXTEND 25' ON EITHER SIDE OF
SWALE.



Civil & Environmental Consultants, Inc.
624 Grassmere Park Drive, Suite 21
Nashville Tennessee 37211
(412) 429-2324 (800) 365-2324

Chicago, IL • Cincinnati, OH • Columbus, OH • Indianapolis, IN • Pittsburgh, PA • St. Louis, MO

Baker's Corner Subdivision
16th Civil District
Sumner County, Tennessee
Present Zoning - R15
Prepared for - Mr. Luther Bratton

Date: 8/30/05
Scale: N.T.S.
Dwn By: KLU
Chk By: JC
App By: JC

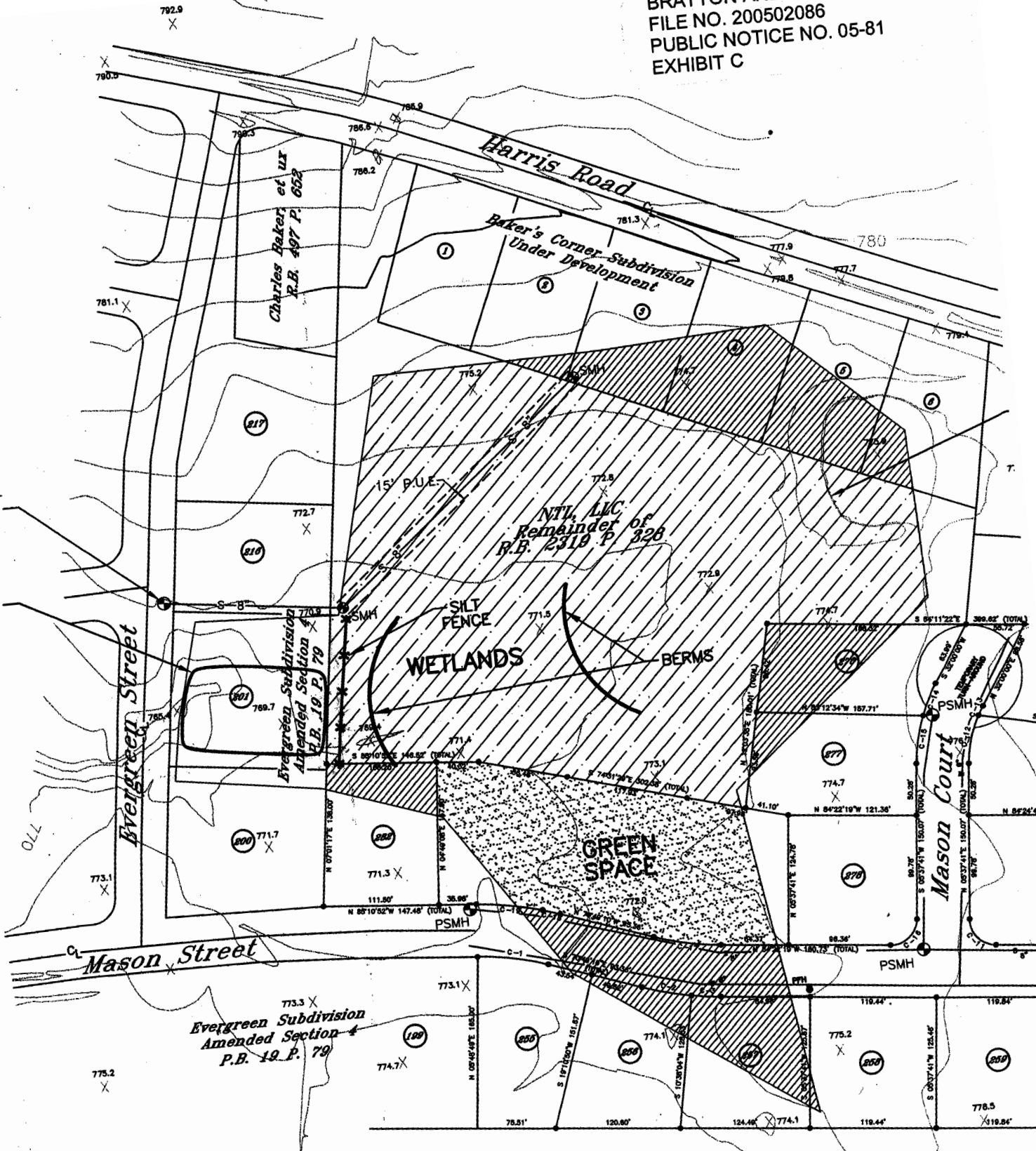
Revision Record

No.	Date	Description

Project #
051-302
DWG #
1

MH
OP 773.04
E. 766.34

EXISTING
WETLAND
DETENTION



*LOT 201 - EXISTING DETENTION (WETLAND)
NOT PART OF THIS PROJECT

Evergreen Subdivision
Section III
P.B. 16 P. 385